

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

PL015993.0002 (2300-15993)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on August 5, 2005  
Signature Anne Currier Carr  
Typed or printed  
name Anne Currier Carr

In re Application of **CALIGIURI et al.**Application Number  
09/855,342Filed  
May 14, 2001For **METHODS OF THERAPY FOR CANCERS  
CHARACTERIZED BY OVEREXPRESSION  
OF THE HER2 RECEPTOR PROTEIN**Art Unit  
1642Examiner  
S. Rawlings

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$

A check including the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 18-1648. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor.

assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record.  
Registration number

attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. 48,588

Jenny Buchbinder  
Signature

Jenny Buchbinder  
Typed or printed name

(650) 493-3400  
Telephone number

Aug 5, 2005  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of one forms are submitted in duplicate.

08/09/2005 SHASSEN1 00000021 09855342

01 FC:1401 500.00 DP  
02 FC:1202 500.00 DP  
03 FC:1201 200.00 DP